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The Hon. Mary Alice Theiler

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6 UNITED STATES DISTRICT COURT FOR THE
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9
10 UNITED STATES OF AMERICA,

11 Plaintiff,

CASE NO. **MJ 15-460**

12 v.
13
14 CHRISTOPHER MICHAEL HARRIS,
15 Defendant.

COMPLAINT

18 U.S.C. §§ 1791(a)(2)

16 BEFORE United States Magistrate Judge Mary Alice Theiler, Seattle, Washington. The
17 undersigned complainant being duly sworn states:

18 Count 1

19 **Possession of a Controlled Substance in Prison**

20 On or about May 25, 2015, in the City Seatac, Washington, within the Western District of
21 Washington, CHRISTOPHER MICHAEL HARRIS, an inmate in the Seatac Federal Detention
22 Center, did knowingly obtain and possess prohibited objects, to wit: two (2) balloons containing
23 1,1-dimethyloctyl homologue of CP 47,497, known as cannabicyclohexanol (“synthetic
24 marijuana” or “Spice”), a Schedule I controlled substance; and did knowingly obtain and

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Complaint: Harris - 1

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1 possess objects that threaten the order, discipline, and security of the prison and the life, health,
2 and safety of an individual, to wit: two (2) balloons containing contraband ("synthetic
3 marijuana" or "Spice").

4 All in violation of Title 18, United States Code, Section 1791(a)(2), (b)(2), (b)(5),
5 (d)(1)(A) & (d)(1)(G).

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7 **The undersigned, Clinton W. Barefoot, complainant being duly sworn states:**

8 1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have
9 been so employed since 2011. As a Special Agent, I am responsible for investigating violations
10 of federal criminal laws. I have investigated and/or participated in investigations, including
11 those pertaining to narcotics, conspiracy offenses, and those related to contraband in federal
12 detention centers. I have acquired knowledge and information about these offenses and the
13 various means and methods by which they are executed, through formal and informal training,
14 other law enforcement officers and investigators, informants, individuals I have interviewed, as
15 well as through my participation in other investigations. I am currently assigned to the Seattle
16 Safe Streets Task Force (SSSTF) of the Seattle Division of the FBI, which focuses on both
17 gang-related and violent crimes. I am currently authorized to investigate and enforce violations
18 of federal criminal statutes, including those found in Title 18 and 21 of the United States Code.

20 2. The statements contained in this affidavit are based, in part, on my own
21 investigation and the investigation of other federal agents, local investigators, and on
22 information related to me by others personally or in written reports. Because this affidavit is
23 submitted for the limited purpose of establishing probable cause in support of specific
24 applications, it does not set forth each and every fact that I or others have learned during the
25 course of this investigation.

26 3. Investigators at Federal Detention Center (FDC) Seatac developed intelligence
27 that inmate Christopher Harris, date of birth (DOB) xx/xx/1978, BOP No. 44514-086, was
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1 involved with the introduction of a form of synthetic marijuana, known as "K2 Spice", into the
 2 institution.

3 4. On or about May 25, 2015, investigators listening to telephone calls between
 4 Harris and Aimee Chevalier, Harris' spouse, noted the following: During a telephone call that
 5 was about one minute in duration, Harris asked Chevalier "Is everything good?" to which
 6 Chevalier replied: "Yes". The call led investigators to review telephone calls covering the
 7 preceding days. On May 23 2015, at approximately 2:31 PM, Harris placed a telephone call to
 8 Chevalier and asked "Are you going to be empty tomorrow?" Chevalier replied "No shouldn't
 9 be". On the same date, at approximately 7:54 PM, Harris called Chevalier again. Chevalier told
 10 Harris: "I'm trying to get that shit together for that part for dad." Harris responded: "What about
 11 that other shipment?" Chevalier said: "I'm working on that too, I'm working on it!" Harris said:
 12 "I don't think you understand what I'm saying". Chevalier replied: "I do understand. I get it, I
 13 know!" Harris said: "I just need to know if it's a yes or no." Chevalier responded: "Call me in
 14 the morning".

15 5. On May 24 2015, at 6:00 PM, Harris called Chevalier and asked: "Did you get
 16 everything together and worked out?" Chevalier replied: "I will take care of it". On the same
 17 date, at 8:37 PM, Harris called Chevalier and asked: "How's everything going?" Chevalier
 18 replied: "Good." Harris asked: "Good, as could be expected?" Chevalier replied: "Yes". Harris
 19 stated: "Just wanted to make sure it's all worked out."

20 6. On May 25, 2015, Chevalier and a young boy arrived at FDC Seatac for visitation
 21 with Harris. At approximately 11:45 AM, Chevalier and Harris began their visitation.
 22 Investigators noted that Harris was behaving in a manner that aroused the suspicion of officers
 23 in the visitation room. Specifically, Officers reported that Harris looked nervous, was shaking
 24 his legs, and continuously looking around. Officers observed Harris lean over and join hands
 25 with Chevalier. Officers observed Chevalier pass something to Harris' left hand, and then place
 26 her hand over his in a manner which concealed the item(s) from view. Harris pulled the young
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 28

1 boy close to his body, and Harris placed his hands under his own legs. Harris then brought his
 2 hand from under his leg to his mouth, and Officers observed Harris place something in his
 3 mouth. Harris again grabbed the boy and hugged him. Officers described that Harris looked as
 4 though he were trying to swallow something while obscured by the young boy.

5 7. Officers reported their observations to investigators in a control room at the FDC
 6 and video footage of the visit was reviewed. Review of the camera footage appeared to confirm
 7 that Harris had received, and swallowed, unknown item(s).

8 8. At approximately 12:20 PM, Harris was removed from the visitation area and
 9 visually searched. Investigators asked Harris if he had any contraband on or in his person, to
 10 which he replied that he did not. Harris was then placed in a Rapid Scan body scanning
 11 machine. Review of the scan determined that Harris had an unknown foreign object inside his
 12 body. Harris was taken to a cell in the Health Services department for observation.

13 9. On May 25, 2015 at approximately 3:10 PM, while still under observation in the
 14 Health Services cell, Harris asked Officers to speak with someone. Investigators interviewed
 15 Harris as per Harris' request. After being advised of, and waiving, his *Miranda* warnings,
 16 Harris provided that he had in fact attempted to introduce narcotics into the facility, and had
 17 been doing so for 7-8 months. Harris stated that he had swallowed two balloons which
 18 contained K2 Spice. Harris agreed to comply with procedures, and notify the watch Officer
 19 when he was ready to make a bowel movement. At approximately 7:06 PM, Harris provided a
 20 stool sample. The sample contained two green balloons, each of which held a green leafy
 21 substance. Field narcotic testing is ineffective in the identification of synthetic Marijuana, and
 22 therefore did not provide a positive identification. Subsequent stool samples did not contain
 23 foreign items. Harris was again asked if he had any additional items in his body, to which he
 24 replied that he did not. Harris was again searched via body scanning machine, which yielded a
 25 negative result. Harris was subsequently placed in the Special Housing Unit (SHU) area of the
 26 detention center.

27 Complaint: Harris - 4

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10. The Sea-Tac Federal Detention Center is a “prison” as that term is defined by Title 18, United States Code, Section 1791(d)(4). Harris is an inmate of the Sea-Tac Federal Detention Center. Based on my training and experience I believe that possession of synthetic marijuana in prison can threaten the order, discipline, and security of the prison and the life, health, and safety of individuals in the prison.

11. Based on the foregoing, I submit that there is probable cause to believe that HARRIS committed the crime of *Possession of a Controlled Substance in Prison*, in violation of Title 18, United States Code, Section 1791 (a)(2).

Clinton W. Barefoot, Complainant
Special Agent
Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offenses set forth in the Complaint.

DATED this 9 day of October, 2015.

Mary Alice Theiler
MARY ALICE THEILER
United States Magistrate Judge